

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY LEVY, an individual,

Plaintiff,

V.

GOOGLE LLC, a California company,

Defendant.

Case No. 2:23-cv-1678-BJR

**ORDER GRANTING PLAINTIFF'S
MOTION TO CONTINUE TRIAL
DATE AND RELATED PRETRIAL
DEADLINES**

I. INTRODUCTION

In October 2023, Plaintiff Gary Levy initiated in state court this employment discrimination action against Defendant Google LLC (“Google”), alleging claims for retaliation and wrongful termination. Compl., Dkt. No. 1-1. The following month, Google removed the action to this Court. Not. of Removal, Dkt. No. 1.

Currently before the Court is Levy's Motion to Continue Trial Date and Related Pretrial Deadlines, which seeks a continuance of approximately four months. Pl.'s Mot., Dkt. No. 18; Proposed Or., Dkt. No. 18-2. Having fully considered the materials and the relevant legal authorities, the Court grants the motion. The reasoning for the Court's decision follows.

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II. LEGAL STANDARD AND DISCUSSION

A district court's pretrial schedule may be modified "only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Whether to grant or deny a continuance is at the discretion of the Court. *Rios-Barrios v. I.N.S.*, 776 F.2d 859, 862 (9th Cir. 1985). When considering the propriety of a continuance, courts consider four factors: (1) the diligence of the party seeking a continuance in preparing for trial; (2) the need for a continuance; (3) the inconvenience to the opposing party, the witnesses, and the court; and (4) the hardship a denial of a continuance would cause the defendant. *United States v. 2.61 Acres of Land*, 791 F.2d 666, 671 (9th Cir. 1986).

Levy contends that good cause exists for his proposed continuance because he has been diligent in obtaining discovery and responding to discovery requests, but his wife has unforeseeably fallen ill, making it difficult for him to schedule and prepare for depositions. Pl.’s Mot. at 2-4. Google responds that good cause exists to extend the current trial, but not to the extent requested by Levy. Def.’s Resp. at 1-2, 4-5, Dkt. No. 19. Google asserts that Levy has abruptly canceled mediation twice, resulting in significant delays and wasted time. *Id.* at 2-3. Google also contends that Levy has impeded Google’s ability to conduct discovery by making himself unavailable for deposition until mid-to-late April, despite the current discovery deadline of March 2025. *Id.* at 3-4. Levy replies that Google has likewise failed to provide deposition dates for its own witnesses, despite multiple requests. Pl.’s Reply at 1-2, Dkt. No. 21.

The Court is unimpressed by the parties' finger-pointing and inability to complete discovery in a timely manner. This action—which the parties agree does not present complex issues—has been pending for well over a year. *See* Compl.; Joint Status Report at 2, Dkt. No. 11. Furthermore,

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1 the Court previously granted a continuance of approximately six months to accommodate the
 2 parties' desire to proceed with mediation and limit discovery costs. Or. Granting Stip. Mot. to
 3 Continue, Dkt. No. 15. The Court is sympathetic to the fact that Levy has been dealing with his
 4 wife's unforeseen illness. However, given how long this case has been pending, the parties' lack of
 5 meaningful progress is unacceptable. Nevertheless, the Court recognizes that it would be
 6 impractical to proceed with the current case deadlines and finds that good cause exists to grant the
 7 Motion to Continue Trial Date and Related Pretrial Deadlines.

III. CONCLUSION

9 For the foregoing reasons, Plaintiff's Motion to Continue Trial Date and Related Pretrial
 10 Deadlines (Dkt. No. 18) is **GRANTED**. The existing case schedule is amended as follows:

Event	Current Deadline	Amended Deadline
Jury Trial Date	September 22, 2025	February 2, 2026
Reports from expert witness under FRCP 26(a)(2)	February 10, 2025	June 23, 2025
Discovery completed by	March 14, 2025	July 25, 2025
All dispositive motions	April 11, 2025	August 22, 2025
All motions <i>in limine</i> must be filed by	August 4, 2025	December 15, 2025
Joint Pretrial Statement	August 11, 2025	December 22, 2025
Pretrial Conference	August 26, 2025	January 6, 2026
Length of Jury Trial	5 days	5 days

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 21 In no event shall the parties toll these dates to pursue mediation. The Court will not entertain any
 22 further requests for extensions.
 23
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 25 - 3

1 DATED this 7th day of April 2025.

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Barbara Jacobs Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge

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